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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

COMMUNICATIONS

FROM

THE AMERICAN MINISTERS AT GHENT,

SHEWING THE

PROGRESS AND STATE OF THE NEGOTIATIONS

FOR

PEACE WITH GREAT BRITAIN.

DECEMBER 1, 1814.

Read and referred to the committee on foreign relations.

WASHINGTON:

A. & G. WAY, PRINTERS.

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1814.

MESSAGE.

To the Senate and House of Representatives of the United States.

I transmit, for the information of congress, the communications last received from the ministers extraordinary and plenipotentiary of the United States at Ghent, explaining the course and actual state of their negotiations with the plenipotentiaries of Great Britain.

JAMES MADISON.

December 1, 1814.

DOCUMENTS.

The ministers plenipotentiary and extraordinary of the United States, at Ghent, to the secretary of state.

GHENT, 25th October, 1814.

SIR,

WE have the honor of transmitting herewith copies of all our correspondence with the British plenipotentiaries since the departure of Mr. Dallas. Although the negotiation has not terminated so abruptly as we expected at that period that it would, we have no reason to retract the opinion which we then expressed, that no hopes of peace, as likely to result from it, could be entertained. It is true that the terms which the British government had so peremptorily prescribed at that time have been apparently abandoned, and that the sine qua non, then required as a preliminary to all discussion upon other topics, has been reduced to an article securing merely an Indian pacification, which we have agreed to accept, subject to the ratification or rejection of our government. But you will perceive that our request for the exchange of a project of a treaty has been eluded, and that in their last note the British plenipotentiaries have advanced a demand not only new and inadmissible, but totally incompatible with their uniform previous declarations that Great Britain had no view in this negotiation to any acquisition of territory. It will be perceived that this new pretension was brought forward immediately after the accounts had been received that a British force had taken possession of all that part of the state of Massachusetts situated east of Penobscot river. The British plenipoten-

tiaries have invariably referred to their government every note received from us, and waited the return of their messenger before they have transmitted to us their answer; and the whole tenor of the correspondence, as well as the manner in which it has been conducted on the part of the British government, have concurred to convince us, that their object has been delay. Their motives for this policy we presume to have been to keep the alternative of peace or of a protracted war in their own hands, until the general arrangement of European affairs should be accomplished at the congress of Vienna, and until they could avail themselves of the advantages which they have anticipated from the success of their arms during the present campaign in America.

Although the sovereigns, who had determined to be present at the congress of Vienna, have been already several weeks assembled there, it does not appear by the last advices from that place that the congress has been formally opened. On the contrary, by a declaration from the plenipotentiaries of the powers, who were parties to the peace of Paris of 30th May last, the opening of the congress appears to have been postponed to the first of November. A memorial is said to have been presented by the French ambassador Talleyrand, in which it is declared that France having returned to her boundaries in 1792, can recognize none of the aggrandizements of the other great powers of Europe since that period, although not intending to oppose them by war.

These circumstances indicate that the new basis for the political system of Europe, will not be so speedily settled as had been expected. The principle thus assumed by France is very extensive in its effects, and opens a field for negotiation much wider than had been anticipated. We think it does not promise an aspect of immediate tranquillity to this continent, and that it will disconcert particularly the measures which Great Britain has been taking with

regard to the future destination of this country, among others, and to which she has attached apparently much importance.

We have the honor to be,
With great respect, sir,
Your very humble serv'ts.

(Signed) JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

The ministers plenipotentiary and extraordinary of the United States to the plenipotentiaries of his Britannic majesty.

GHENT, August 24, 1814.

The undersigned, ministers plenipotentiary and extraordinary from the United States of America, have given to the official note which they have had the honor of receiving from his Britannic majesty's plenipotentiaries the deliberate attention which the importance of its contents required, and have now that of transmitting to them their answer on the several points to which it refers.

They would present to the consideration of the British plenipotentiaries, that lord Castlereagh, in his letter of the 4th of November, 1813, to the American secretary of state, pledges the faith of the British government that "they were willing to enter into discussion with the government of America for the conciliatory adjustment of the differences subsisting between the two states, with an earnest desire on their part to bring them to a favorable issue, upon principles of perfect reciprocity, not inconsistent with the establish-

ed maxims of public law, and with the maritime rights of the British empire." This fact alone might suffice to shew, that it ought not to have been expected that the American government, in acceding to this proposition, should have exceeded its terms, and furnished the undersigned with instructions authorizing them to treat with the British plenipotentiaries respecting Indians situated within the boundaries of the United States. That such expectation was not entertained by the British government might also have been inferred from the explicit assurance which the British plenipotentiaries gave, on the part of their government, at the first conference which the undersigned had the honor of holding with them, that no events, subsequent to the first proposal for this negotiation, had, in any manner, varied either the disposition of the British government, that it might terminate in a peace honorable to both parties, or the terms upon which they would be willing to conclude it.

It is well known that the differences which unhappily subsisted between Great Britain and the United States, and which ultimately led to the present war, were wholly of a maritime nature, arising principally from the British orders in council, in relation to blockades, and from the impressment of mariners on board of American vessels. The boundary of the Indian territory had never been a subject of difference between the two countries. Neither the principles of reciprocity, the maxims of public law, nor the maritime rights of the British empire could require the permanent establishment of such boundary. The novel pretensions now advanced could no more have been anticipated by the government of the United States, in forming instructions for this negotiation, than they seem to have been contemplated by that of Great Britain in November last in proposing it. Lord Castlereagh's note makes the termination of the war to depend on a conciliatory adjustment of the

differences then subsisting between the two states, and on no other condition whatever.

Nor could the American government have foreseen that Great Britain, in order to obtain peace for the Indians, residing within the dominions of the United States, whom she had induced to take part with her in the war, would demand that they should be made parties to the treaty between the two nations, or that the boundaries of their lands should be permanently and irrevocably fixed by that treaty. Such a proposition is contrary to the acknowledged principles of public law, and to the practice of all civilized nations, particularly of Great Britain and of the United States. It is not founded on reciprocity. It is unnecessary for the attainment of the object which it professes to have in view

No maxim of public law has hitherto been more universally established among the powers of Europe possessing territories in America, and there is none to which G. Britain has more uniformly and inflexibly adhered, than that of suffering no interposition of a foreign power in the relations between the acknowledged sovereign of the territory, and the Indians situated upon it. Without the admission of this principle, there would be no intelligible meaning attached to stipulations establishing boundaries between the dominions in America of civilized nations possessing territories inhabited by Indian tribes. Whatever may be the relations of Indians to the nation in whose territory they are thus acknowledged to reside, they cannot be considered as an independent power by the nation which has made such acknowledgment.

That the territory of which G. Britain wishes now to dispose, is within the dominions of the U. States, was solemnly acknowledged by herself in the treaty of peace of 1783, which established their boundaries, and by which she relinquished all claims to the government, propriety, and territorial rights within those boundaries. No condition respecting the Indians

residing therein, was inserted in that treaty. No stipulation similar to that now proposed is to be found in any treaty made by G. Britain, or within the knowledge of the undersigned, by any other nation.

The Indian tribes for which G. Britain proposes now to stipulate have, themselves, acknowledged this principle. By the Greenville treaty of 1795, to which the British plenipotentiaries have alluded, it is expressly stipulated, and the condition has been confirmed by every subsequent treaty, so late as the year 1810, "That the Indian tribes shall quietly enjoy their lands, hunting, planting, and dwelling thereon, so long as they please, without any molestation from the U. States: but that when their tribes, or any of them, shall be disposed to sell their lands, they are to be sold only to the U. States: that until such sale, the U. States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the U. States, and against all other white persons who intrude on the same, and that the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and of no other power whatever."

That there is no reciprocity in the proposed stipulation is evident. In prohibiting Great Britain and the United States from purchasing lands within a part of the dominions of the latter power, while it professes to take from Great Britain a privilege which she had not, it actually deprives the United States of a right exclusively belonging to them.

The proposition is also utterly unnecessary for the purpose of obtaining a pacification for the Indians residing within the territories of the United States. The undersigned have already had the honor of informing the British plenipotentiaries, that, under the system of liberal policy adopted by the United States in their relations with the Indians within their territories, an uninterrupted peace had subsisted from the year 1795, not only between the United States and all

those tribes, but also amongst those tribes themselves for a longer period of time than ever had been known since the first settlement of North America. Against those Indians the United States have neither interest nor inclination to continue the war. They have nothing to ask of them but peace. Commissioners on their part have been appointed to conclude it, and an armistice was actually made last autumn with most of those tribes. The British government may again have induced some of them to take their side in the war, but peace with them will necessarily follow immediately a peace with Great Britain. To a provisional article, similar to what has been stipulated in some former treaties, engaging that each party will treat for the Indians within its territories, include them in the peace, and use its best endeavors to prevent them from committing hostilities against the citizens or subjects of the other party, the undersigned might assent, and rely on the approbation and ratification of their government. They would also, for the purpose of securing the duration of peace, and to prevent collisions which might interrupt it, propose a stipulation which should preclude the subjects or citizens of each nation, respectively, from trading with the Indians residing in the territory of the other. But to surrender both the rights of sovereignty and of soil over nearly one-third of the territorial dominions of the United States, and to a number of Indians not probably exceeding twenty thousand, the undersigned are so far from being instructed or authorized, that they assure the British commissioners that any arrangement for that purpose would be instantaneously rejected by their government.

Not only has this extraordinary demand been made a sine qua non, to be admitted without discussion, and as a preliminary basis; but it is accompanied by others equally inadmissible, which the British plenipotentiaries state to be so connected with it, that they may reasonably influence the decision of the

undersigned upon it, yet leaving them uninformed how far these other demands may also be insisted on as indispensable conditions of a peace.

As little are the undersigned instructed or empowered to accede to the propositions of the British government, in relation to the military occupation of the western lakes. If they have found the proposed interference of G. Britain in the concerns of Indians residing within the U. States utterly incompatible with any established maxim of public law, they are no less at a loss to discover by what rule of perfect reciprocity the U. States can be required to renounce their equal right of maintaining a naval force upon those lakes, and of fortifying their own shores, while G. Britain reserves exclusively the corresponding rights to herself. That in point of military preparation, G. Britain, in her possessions in North America, ever has been in a condition to be termed, with propriety, the weaker power, in comparison with the U. States, the undersigned believe to be incorrect in point of fact. In regard to the fortification of the shores, and to the forces actually kept on foot upon those frontiers, they believe the superiority to have always been on the side of G. Britain. If the proposal to dismantle the forts upon her shores, strike forever her military flag upon the lakes, and lay her whole frontier defenceless in the presence of her armed and fortified neighbor, had proceeded, not from G. Britain to the U. States, but from the U. States to G. Britain, the undersigned may safely appeal to the bosoms of his Britannic majesty's plenipotentiaries for the feelings with which, not only in regard to the interests, but to the honor of their nation, they would have received such a proposal. What would Great Britain herself say, if, in relation to another frontier, where she has the acknowledged superiority of strength, it were proposed that she should be reduced to a condition even of equality with the U. States?

The undersigned further perceive, that under the alleged purpose of opening a direct communication between two of the British provinces in America, the British government require a cession of territory forming a part of one of the states of the American union, and that they propose, without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, as it now is, but from lake Superior. It must be perfectly immaterial to the U. States, whether the object of the British government, in demanding the dismemberment of the U. States, is to acquire territory, as such, or for purposes less liable, in the eyes of the world, to be ascribed to the desire of aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself, or for the Indians, a cession of territory more extensive than the whole island of Great Britain, the duty marked out for the undersigned is the same. They have no authority to cede any part of the territory of the U. States, and to no stipulation to that effect will they subscribe.

The conditions proposed by Great Britain have no relation to the subsisting differences between the two countries: they are inconsistent with acknowledged principles of public law: they are founded neither on reciprocity nor on any of the usual bases of negotiation, neither on that of the uti possidetis, or of status ante bellum: they would inflict the most vital injury on the United States, by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontier equally exposed to British invasion and to Indian aggression: they are, above all, dishonorable to the United States, in demanding from them to abandon territory and a portion of their citizens, to admit a foreign interference in their domestic concerns, and to cease to exercise their natural rights on their own shores and in their own wa-

ters. A treaty concluded on such terms would be but an armistice. It cannot be supposed that America would long submit to conditions so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favorable opportunity, recur to arms, for the recovery of her territory, of her rights, of her honor. Instead of settling existing differences, such a peace would only create new causes of war, sow the seeds of a permanent hatred, and lay the foundation of hostilities for an indefinite period.

Essentially pacific from her political institutions, from the habits of her citizens, from her physical situation, America reluctantly engaged in the war. She wishes for peace; but she wishes for it upon those terms of reciprocity, honorable to both countries, which can alone render it permanent. The causes of the war between the United States and Great Britain having disappeared by the maritime pacification of Europe, the government of the United States does not desire to continue it, in defence of abstract principles, which have, for the present, ceased to have any practical effect. The undersigned have been accordingly instructed to agree to its termination, both parties restoring whatever territory they may have taken, and both reserving all their rights, in relation to their respective seamen. To make the peace between the two nations solid and permanent, the undersigned were also instructed, and have been prepared to enter into the most amicable discussion of all those points on which differences or uncertainty had existed, and which might hereafter tend in any degree whatever to interrupt the harmony of the two countries, without, however, making the conclusion of the peace at all depend upon a successful result of the discussion.

It is, therefore, with deep regret, that the undersigned have seen that other views are entertained by the British government, and that new and unexpected pretensions are raised, which, if persisted in, must

oppose an insuperable obstacle to a pacification. It is not necessary to refer such demands to the American government for its instruction. They will only be a fit subject of deliberation, when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.

The undersigned request the British plenipotentiaries to accept the assurance of their high consideration.

(Signed) JOHN QUINCY ADAMS,
JAMES A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

To the Plenipotentiaries of
his Britannic majesty, &c. &c. &c.

The British to the American commissioners.

GHENT, September 4, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the American plenipotentiaries, dated the 24th ultimo.

It is with unfeigned regret that the undersigned observe, both in the tone and substance of the whole note, so little proof of any disposition on the part of the government of the United States to enter into an amicable discussion of the several points submitted by the undersigned in their former communication. The undersigned are perfectly aware, that in bringing forward those points for consideration, and stating with so much frankness, as they did, the views with which they were proposed, they departed from the usual course of negotiation, by disclosing all the objects of their government, while those which the American government had in view were withheld; but in so doing they were principally actuated by a sincere desire of

bringing the negotiation as soon as possible to a favorable termination, and in some measure by their willingness to comply with the wishes expressed by the American plenipotentiaries themselves.

It is perfectly true that the war between his majesty and the United States, was declared by the latter power, upon the pretence of maritime rights alleged to be asserted by Great Britain, and disputed by the United States.

If the war thus declared by the United States had been carried on by them for objects purely of a maritime nature, or if the attack which has been made on Canada had been for the purpose of diversion, or in the way of defence against the British forces in that quarter, any question as to the boundaries of Canada might have been considered as unnecessary; but it is notorious to the whole world that the conquest of Canada, and its permanent annexation to the United States, was the declared object of the American government. If, in consequence of a different course of events on the continent of Europe, his majesty's government had been unable to reinforce the British armies in Canada, and the United States had obtained a decided superiority in that quarter, is there any person who doubts that they would have availed themselves of their situation to obtain on the side of Canada important cessions of territory, if not the entire abandonment of that country by Great Britain? Is the American government to be allowed to pursue, so far as its means will enable it, a system of acquisition and aggrandizement to the extent of annexing entire provinces to their dominions, and is his majesty to be precluded from availing himself of his means, so far as they will enable him, to retain those points which the valor of British arms may have placed in his power, because they happen to be situated within the territories allotted under former treaties to the government of the United States?

Such a principle of negotiation was never avowed

at any period antecedent to that of the revolutionary government of France.

If the policy of the United States had been essentially pacific, as the American plenipotentiaries assert it ought to be, from their political institutions, from the habits of their citizens, and from their physical situation, it might not have been necessary to propose the precautionary provisions now under discussion. That, of late years at least, the American government have been influenced by a very different policy; by a spirit of aggrandizement not necessary to their own security, but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of the Indian territories; by the acquisition of Louisiana; by the more recent attempt to wrest by force of arms from a nation in amity the two Floridas; and, lastly, by the avowed intention of permanently annexing the Canadas to the United States.

If, then, the security of the British North American dominions requires any sacrifices on the part of the United States, they must be ascribed to the declared policy of that government in making the war not one of self defence, nor for the redress of grievances real or pretended, but a part of a system of conquest and aggrandizement.

The British government, in its present situation, is bound in duty to endeavor to secure its north American dominions against those attempts at conquest, which the American government have avowed to be a principle of their policy, and which as such will undoubtedly be renewed, whenever any succeeding war between the two countries shall afford a prospect of renewing them with success.

The British plenipotentiaries proposed that the military possession of the lakes, from lake Ontario to lake Superior, should be secured to Great Britain, because the command of those lakes would afford to the American government the means of commencing

a war in the heart of Canada, and because the command of them, on the part of Great Britain, has been shewn by experience to be attended with no insecurity to the United States.

When the relative strength of the two powers in North America is considered, it should be recollected that the British dominions in that quarter do not contain a population of five hundred thousand souls, whereas the territory of the United States contains a population of more than seven millions; that the naval resources of the United States are at hand for attack, and that the naval resources of Great Britain are on the other side of the Atlantic.

The military possession of those lakes is not, therefore, necessary for the protection of the United States.

The proposal for allowing the territories on the southern banks of the lakes above mentioned to remain in the possession of the government of the United States, provided no fortifications should be erected on the shores, and no armament permitted on the waters, has been made for the purpose of manifesting that security, and not acquisition of territory, is the object of the British government, and that they have no desire to throw obstacles in the way of any commerce which the people of the United States may be desirous of carrying on upon the lakes in time of peace.

The undersigned, with the anxious wish to rectify all misunderstanding, have thus more fully explained the grounds upon which they brought forward the propositions contained in their former note respecting the boundaries of the British dominions in North America.

They do not wish to insist upon them beyond what the circumstances may fairly require. They are ready, amicably, to discuss the details of them with a view to the adoption of any modifications which the American plenipotentiaries, or their government, may

have to suggest, if they are not incompatible with the object itself.

With respect to the boundary of the district of Maine, and that of the North Western frontier of the United States, the undersigned were not prepared to anticipate the objections contained in the note of the American plenipotentiaries, "that they were instructed to treat for the revision of their boundary lines," with the statement which they have subsequently made, that they had no authority to cede any part, however insignificant, of the territories of the United States, although the proposal left it open to them to demand an equivalent for such cession either in frontier or otherwise.

The American plenipotentiaries must be aware that the boundary of the district of Maine has never been correctly ascertained; that the one asserted at present by the American government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British plenipotentiaries who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied.

The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question.

As the necessity for fixing some boundary for the north-western frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the United States are prepared to assert that there is no limit to their territories in that direction, and that availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever, then unquestionably any proposition to fix one, be it what it may, must be considered as

demanding a large cession of territory from the United States.

Is the American government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or is his majesty's government to understand that the American plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods to the Mississippi (the arrangement made by a convention in 1803, but not ratified) as that by which their government is ready to abide?

The British plenipotentiaries are instructed to accept favorably such a proposition, or to discuss any other line of boundary which may be submitted for consideration.

It is with equal astonishment and regret the undersigned find that the American plenipotentiaries have not only declined signing any provisional article, by which the Indian nations who have taken part with Great Britain in the present contest may be included in the peace, and may have a boundary assigned to them, but have also thought proper to express surprise at any proposition on the subject having been advanced.

The American plenipotentiaries state, that their government could not have expected such a discussion, and appear resolved, at once, to reject any proposition on this head; representing it as a demand contrary to the acknowledged principles of public law, tantamount to a cession of one third of the territorial dominions of the United States, and required to be admitted without discussion.

The proposition which is thus represented is, that the Indian nations, which have been during the war in alliance with Great Britain, should at its termination be included in the pacification; and with a view to their permanent tranquillity and security, that the British government is willing to take as a basis of an article on the subject of a boundary for those nations,

the stipulations which the American government contracted in 1795, subject, however, to modifications.

After the declaration, publicly made to those Indian nations by the governor general of Canada, that Great Britain would not desert them, could the American government really persuade itself that no proposition relating to those nations would be advanced, and did lord Castlereagh's note of the 4th November, 1813, imply so great a sacrifice of honor, or exclude from discussion every subject, excepting what immediately related to the maritime questions referred to in it?

When the undersigned assured the American plenipotentiaries of the anxious wish of the British government that the negotiation might terminate in a peace honorable to both parties, it could not have been imagined that the American plenipotentiaries would thence conclude, that his majesty's government was prepared to abandon the Indian nations to their fate, nor could it have been foreseen that the American government would have considered it as derogatory to its honor to admit a proposition by which the tranquillity of those nations might be secured.

The British plenipotentiaries have yet to learn, that it is contrary to the acknowledged principles of public law to include allies in a negotiation for peace, or that it is contrary to the practice of all civilized nations to propose that a provision should be made for their future security.

The treaty of Greenville established the boundaries between the United States and the Indian nations. The American plenipotentiaries must be aware, that the war, which has since broken out, has abrogated that treaty. Is it contrary to the established principles of public law for the British government to propose, on behalf of its allies, that this treaty shall, on the pacification, be considered subject to such modifications as the case may render necessary? Or is it unreasonable to propose, that this stipulation should be amended, and that on that foundation some arrange-

ment should be made which would provide for the existence of a neutral power between Great Britain and the United States, calculated to secure to both a longer continuance of the blessings of peace?

So far was that specific proposition respecting the Indian boundaries from being insisted upon in the note, or in the conference which preceded it, as one to be admitted without discussion, that it would have been difficult to use terms of greater latitude, or which appeared more adapted, not only not to preclude but to invite discussion.

If the basis proposed could convey away one-third of the territory of the United States, the American government itself must have conveyed it away by the Greenville treaty of 1795.

It is impossible to read that treaty without remarking how inconsistent the present pretensions of the American government are, with its preamble and provisions. The boundary line between the lands of the United States, and those of the Indian nations, is therein expressly defined. The general character of the treaty, is that of a treaty with independent nations; and the very stipulation which the American plenipotentiaries refer to, that the Indian nations should sell their lands only to the United States, tends to prove that, but for that stipulation, the Indians had a general right to dispose of them.

The American government has now for the first time, in effect, declared that all Indian nations within its line of demarcation are its subjects, living there upon sufferance, on lands which it also claims the exclusive right of acquiring, thereby menacing the final extinction of those nations.

Against such a system, the undersigned must formally protest. The undersigned repeat, that the terms on which the proposition has been made for assigning to the Indian nations some boundary, manifest no unwillingness to discuss any other proposition directed to the same object, or even a modification of

that which is offered. G. Britain is ready to enter into the same engagements with respect to the Indians living within her line of demarcation, as that which is proposed to the U. States. It can, therefore, only be from a complete misapprehension of the proposition, that it can be represented as being not reciprocal. Neither can it, with any truth, be represented as contrary to the acknowledged principles of public law, as derogatory to the honor, or inconsistent with the rights of the American government, nor as a demand required to be admitted without discussion.

After this full exposition of the sentiments of his majesty's government on the points above stated, it will be for the American plenipotentiaries to determine, whether they are ready now to continue the negotiations; whether they are disposed to refer to their government for further instructions; or, lastly, whether they will take upon themselves the responsibility of breaking off the negotiation altogether.

The undersigned request the American plenipotentiaries to accept the assurance of their high consideration.

(Signed)

GAMBIER,
HENRY GOULBURN,
WM. ADAMS.

The American to the British commissioners.

GHENT, Sept. 9th, 1814.

The undersigned have had the honor to receive the note of his Britannic majesty's plenipotentiaries, dated the 4th inst. If, in the tone or substance of the former note of the undersigned, the British commissioners have perceived little proof of any disposition on the part of the American government, for a discus-

sion of some of the propositions advanced in the first note, which the undersigned had the honor of receiving from them, they will ascribe it to the nature of the propositions themselves, to their apparent incompatibility with the assurances in lord Castlereagh's letter to the American secretary of state, proposing this negotiation, and with the solemn assurances of the British plenipotentiaries themselves, to the undersigned, at their first conferences with them.

The undersigned, in reference to an observation of the British plenipotentiaries, must be allowed to say, that the objects which the government of the United States had in view, have not been withheld.

The subjects considered as suitable for discussion were fairly brought forward, in the conference of the 9th ult. and the terms on which the United States were willing to conclude the peace, were frankly and expressly declared in the note of the undersigned, dated the 24th ultimo. It had been confidently hoped that the nature of those terms, so evidently framed in a sincere spirit of conciliation, would have induced Great Britain to adopt them as the basis of a treaty: and it is with deep regret, that the undersigned, if they have rightly understood the meaning of the last note of the British plenipotentiaries, perceive that they still insist on the exclusive military possession of the lakes, and on a permanent boundary and independent territory for the Indians residing within the dominions of the United States.

The first demand is grounded on the supposition, that the American government has manifested, by its proceedings towards Spain, by the acquisition of Louisiana, by purchases of Indian lands, and by an avowed intention of permanently annexing the Canadas to the United States, a spirit of aggrandizement and conquest, which justifies the demand of extraordinary sacrifices from them, to provide for the security of the British possessions in America.

In the observations which the undersigned felt it their duty to make on the new demands of the British government, they confined their animadversions to the nature of the demands themselves; they did not seek for illustrations of the policy of Great Britain in her conduct, in various quarters of the globe, towards other nations, for she was not accountable to the United States. Yet the undersigned will say, that their government has ever been ready to arrange, in the most amicable manner, with Spain, the questions respecting the boundaries of Louisiana and Florida, and that of indemnities acknowledged by Spain due to American citizens. How the peaceable acquisition of Louisiana, or the purchase of lands within the acknowledged territories of the United States, both made by fair and voluntary treaties for satisfactory equivalents, can be ascribed to a spirit of conquest dangerous to their neighbors, the undersigned are altogether at a loss to understand.

Nor has the conquest of Canada, and its permanent annexation to the United S ates, been the declared object of their government. From the commencement of the war to the present time, the American government has been always willing to make peace, without obtaining any cession of territory, and on the sole condition that the maritime questions might be satisfactorily arranged. Such was their disposition in the month of July, 1812, when they instructed Mr. Russell to make the proposal of an armistice; in the month of October, of the same year, when Mr. Monroe answered admiral Warren's proposal to the same effect; in April, 1813, when instructions were given to three of the undersigned, then appointed to treat of peace, under the mediation of Russia; and in January, 1814, when the instructions under which the undersigned are now acting, were prepared.

The proposition of the British plenipotentiaries is, that, in order to secure the frontier of Canada against attack, the United States should leave their own with-

out defence: and it seems to be forgotten, that if their superior population, and the proximity of their resources, give them any advantage in that quarter, it is balanced by the great difference between the military establishments of the two nations. No sudden invasion of Canada by the United States could be made, without leaving on their Atlantic shores, and on the ocean, exposed to the great superiority of British force, a mass of American property far more valuable than Canada. In her relative superior force to that of the United States, in every other quarter, Great Britain may find a pledge much more efficacious for the safety of a single vulnerable point, than in stipulations ruinous to the interests and degrading to the honor of America. The best security for the possessions of both countries will, however, be found in an equal and solid peace; in a mutual respect for the rights of each other, and in the cultivation of a friendly understanding between them. If there be any source of jealousy in relation to Canada itself, it will be found to exist solely in the undue interference of traders and agents, which may be easily removed by proper restraints.

The only American forts on the lakes known to have been, at the commencement of the negotiation, held by British force, are Michilimackinac and Niagara. As the United States were, at the same time, in possession of Amherstburg and the adjacent country, it is not conceived that the mere occupation of those two forts could give any claim to his Britannic majesty to large cessions of territory, founded upon the right of conquest; and the undersigned may be permitted to add, that even if the chances of war should yield to the British arms a momentary possession of other parts of the territories of the United States, such events would not alter their views with regard to the terms of peace to which they would give their consent. Without recurring to examples drawn from the revolutionary governments of France, or to a

more recent and illustrious triumph of fortitude in adversity, they have been taught by their own history that the occupation of their principal cities would produce no despondency, nor induce their submission to the dismemberment of their empire, or to the abandonment of any one of the rights which constitute a part of their national independence.

The general proposition, that it was consistent with the principles of public law, and with the practice of civilized nations, to include allies in a treaty of peace, and to provide for their security, never was called in question by the undersigned. But they have denied the right of Great Britain, according to those principles and to her own practice, to interfere in any manner with Indian tribes residing within the territories of the United States, as acknowledged by herself, to consider such tribes as her allies, or to treat for them with the United States. They will not repeat the facts and arguments already brought forward by them in support of this position, and which remain unanswered. The observations made by the British plenipotentiaries on the treaty of Greenville, and their assertion that the United States now, for the first time, deny the absolute independence of the Indian tribes, and claim the exclusive right of purchasing their lands, require, however, some notice.

If the United States had now asserted, that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at sufferance on their lands, far from being the first in making that assertion, they would only have followed the example of the principles, uniformly and invariably asserted in substance, and frequently avowed in express terms, by the British government itself. What was the meaning of all the colonial charters granted by the British monarchy, from that of Virginia, by Elizabeth, to that of Georgia, by the immediate predecessor of the present king, if the Indians were the sovereigns and pro-

prietors of the lands bestowed by those charters? What was the meaning of that article in the treaty of Utrecht, by which the five nations were described, in terms, as subject to the dominion of Great Britain? or that of the treaty with the Cherokees, by which it was declared that the king of Great Britain granted them the privilege to live where they pleased, if those subjects were independent sovereigns, and if these tenants, at the license of the British king, were the rightful lords of the lands where he granted them permission to live? What was the meaning of that proclamation of his present Britannic majesty issued in 1763, declaring all purchases of lands from the Indians null and void, unless made by treaties held under the sanction of his majesty's government, if the Indians had the right to sell their lands to whom they pleased? What was the meaning of boundary lines of American territories, in all the treaties of Great Britain with other European powers having American possessions, particularly in the treaty of 1763, by which she acquired from France the sovereignty and possession of the Canadas; in her treaty of peace with the United States in 1783; nay, what is the meaning of the north western boundary line now proposed by the British commissioners themselves, if it is the rightful possession and sovereignty of independent Indians, of which these boundaries dispose? Is it, indeed, necessary to ask, whether Great Britain ever has permitted, or would permit, any foreign nation, or, without her consent, any of her subjects, to acquire lands from the Indians, in the territories of the Hudson bay company, or in Canada? In formally protesting against this system, it is not against a novel pretension of the American government, it is against the most solemn acts of their own sovereigns, against the royal proclamations, charters, and treaties of Great Britain, for more than two centuries, from the first

settlement of North America to the present day, that the British plenipotentiaries protest.

From the rigor of this system, however, as practised by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the laws of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example, which the United States, since they became, by their independence, the sovereigns of the territory, have adopted and organized into a political system. Under that system, the Indians residing within the United States are so far independent, that they live under their own customs, and not under the laws of the United States: that their rights upon the lands where they inhabit, or hunt, are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them. They are so far dependent as not to have the right to dispose of their lands to any private persons, nor to any power other than the United States, and to be under their protection alone, and not under that of any other power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. That relation is neither asserted now for the first time, nor did it originate with the treaty of Greenville. These princi-

ples have been uniformly recognized by the Indians themselves, not only by that treaty, but in all the other previous as well as subsequent treaties, between them and the United States.

The treaty of Greenville neither took from the Indians the right, which they had not, of selling lands within the jurisdiction of the United States to foreign governments or subjects, nor ceded to them the right of exercising exclusive jurisdiction within the boundary line assigned. It was merely declaratory of the public law, in relation to the parties, founded on pr nciples previously and universally recognized. It left to the United States the rights of exercising sovereignty and of acquiring soil, and bears no analogy to the proposition of Great Britain which requires the abandonment of both.

The British plenipotentiaries state in their last note, that Great Britain is ready to enter into the same engagement with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. The undersigned will not dwell on the immense inequality of value between the two territories, which, under such an arrangement, would be assigned, by each nation, respectively, to the Indians, and which alone would make the reciprocity merely nominal. The condition which would be thus imposed on Great Britain not to acquire lands in Canada from the Indians, would be productive of no advantage to the United States, and is, therefore, no equivalent for the sacrifice required of them. They do not consider that it belongs to the United States in any respect to interfere with the concerns of Great Britain in her American possessions, or with her policy towards the Indians residing there: and they cannot consent to any interference, on the part of Great Britain, with their own concerns, and particularly with the Indians living within their territories. It may be the interest of Great Britain to limit her settlements in Canada to their present extent, and to leave the coun-

try to the west a perpetual wilderness, to be forever inhabited by scattered tribes of hunters: but it would inflict a vital injury on the United States to have a line run through their territory, beyond which their settlements should forever be precluded from extending, thereby arresting the natural growth of their population and strength; placing the Indians substantially, by virtue of the proposed guarantee, under the protection of Great Britain; dooming them to perpetual barbarism, and leaving an extensive frontier forever exposed to their savage incursions.

With respect to the mere question of peace with the Indians, the undersigned have already explicitly assured the British plenipotentiaries, that so far as it depended on the United States, it would immediately and necessarily follow a peace with Great Britain. If this be her sole object, no provision in the treaty to that effect is necessary Provided the Indians will now consent to it, peace will immediately be made with them, and they will be reinstated in the same situation in which they stood before the commencement of hostilities. Should a continuance of the war compel the United States to alter their policy towards the Indians, who may still take the part of Great Britain, they alone must be responsible for the consequences of her own act in having induced them to withdraw themselves from the protection of the United States The employment of savages, whose known rule of warfare is the indiscriminate torture and butchery of women, children and prisoners, is, itself, a departure from the principles of humanity observed between all civilized and Christian nations, even in war.

The United States have constantly protested, and still protest against it, as an unjustifiable aggravation of the calamities and horrors of war. Of the peculiar atrocities of Indian warfare, the allies of Great Britain, in whose behalf she now demands sacrifices of the United States, have, during the present war, shown

many deplorable examples. Among them, the massacre, in cold blood, of wounded prisoners, and the refusal of the rites of burial to the dead, under the eyes of British officers, who could only plead their inability to control these savage auxiliaries, have been repeated and are notorious to the world. The United States might, at all times, have employed the same kind of force against Great Britain, to a greater extent than it was in her power to employ it against them: but from their reluctance to resort to means so abhorrent to the natural feelings of humanity, they abstained from the use of them until compelled to the alternative of employing themselves Indians who would otherwise have been drawn into the ranks of their enemies. The undersigned, suggesting to the British plenipotentiaries the propriety of an article by which Great Britain and the United States should reciprocally stipulate never hereafter, if they should be again at war, to employ the savages in it, believe that it would be infinitely more honorable to the humanity and Christian temper of both parties, more advantageous to the Indians themselves, and better adapted to secure their permanent peace, tranquillity, and progressive civilization, than the boundary proposed by the British plenipotentiaries.

With regard to the cession of a part of the district of Maine, as to which the British plenipotentiaries are unable to reconcile the objections made by the undersigned, with their previous declaration, they have the honor to observe, that at the conference of the 8th ultimo, the British plenipotentiaries stated, as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute: and that it was on the point thus stated, that the undersigned declared that they were provided with instructions from their government: a declaration which did not imply that they were instructed to make any cession of territory in any

quarter, or to agree to a revision of the line, or to any exchange of territory, where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the district of Maine which would be affected by the proposal of Great Britain on that subject. They never have understood that the British plenipotentiaries who signed that treaty, had contemplated a boundary different from that fixed by the treaty, and which requires nothing more, in order to be definitely ascertained, than to be surveyed in conformity with its provisions. This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it; and they can have no authority to cede any part of the state of Massachusetts, even for what the British government might consider a fair equivalent.

In regard to the boundary of the North-western frontier, so soon as the proposition of Indian boundary is disposed of, the undersigned have no objection, with the explanation given by the British plenipotentiaries, in their last note, to discuss the subject.

The undersigned, in their former note, stated with frankness, and will now repeat, that the two propositions, 1st, of assigning in the proposed treaty of peace a definite boundary to the Indians living within the limits of the United States, beyond which boundary they should stipulate not to acquire, by purchase or otherwise, any territory; 2dly, of securing the exclusive military possession of the lakes to Great Britain; are both inadmissible; and that they cannot subscribe to, and would deem it useless to refer to their government any arrangement, even provisional, containing either of those propositions. With this understanding, the undersigned are now ready to continue the negotiation; and, as they have already expressed, to discuss all the points of difference, or

which might hereafter tend in any degree to interrupt the harmony of the two countries.

The undersigned request the British plenipotentiaries to accept the assurance of their high consideration.

(Signed)

J. Q. ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
A. GALLATIN.

The British to the American commissioners.

GHENT, September 19, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 9th instant.

On the greater part of that note, the undersigned have no intention to make comments, having proposed to themselves throughout the negotiation to avoid all unnecessary discussions, more especially when tending to create irritation.

On the question of the north western frontiers, they are happy to find that no material difficulty is likely to arise.

With respect to the boundary of the district of Maine, the undersigned observe with regret, that although the American plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line, with a view to prevent uncertainty and dispute, yet, by assuming an exclusive right at once to decide what is or is not a

subject of uncertainty and dispute, they have rendered their powers nugatory or inadmissibly partial in their operation.

After the declaration made by the American plenipotentiaries, that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested, it becomes unnecessary further to insist on the proof of a spirit of aggrandizement afforded by the purchase of Louisiana from France, against the known conditions on which it had been ceded by Spain to that country, or the hostile seizure of a great part of the Floridas, under the pretence of a dispute respecting the boundary.

The reason given by the American plenipotentiaries for this declaration, equally applies to the assignment of a boundary to the United States on any side, with whatever view proposed; and the unlimited nature of the pretension would alone have justified Great Britain in seeking more effectual securities against its application to Canada than any which the undersigned have had the honor to propose.

Had the American plenipotentiaries been instructed on the subject of Canada, they would not have asserted that its permanent annexation had not been the declared object of their government. It has been distinctly avowed to be such at different times, particularly by two American generals on their respective invasions of Canada. If the declaration first made had been disapproved, it would not have been repeated. The declarations here referred to are to be found in the proclamation of general Hull in July, 1812, and of general Smyth in November, 1812, copies of which are hereunto annexed.

It must be also from the want of instructions that the American plenipotentiaries have been led to assert that Great Britain has induced the Indians to with-

draw from the protection of the United States. The government of the United States cannot have forgotten that Great Britain, so far from inducing the Indians to withdraw themselves from the protection of the United States, gave the earliest information of the intention of those nations to invade the United States, and exerted herself, though without success, to prevent and appease their hostility. The Indian nations, however, having experienced, as they thought, oppression, instead of protection from the U. States, declared war against them previously to the declaration of war by that country against G. Britain. The treaty by which the Indians placed themselves under the protection of the U. States, is now abrogated, and the American government cannot be entitled to claim, as a right, the renewal of an article in a treaty, which has no longer any existence. The Indian nations are therefore no longer to be considered as under the protection of the United States, (whatever may be the import of that term) and it can only be on the ground that they are regarded as subjects, that the American plenipotentiaries can be authorized to deny the right of Great Britain to interfere on their behalf in the negotiation for peace. To any such claim, it is repeated, that the treaties concluded with them, and particularly that of Greenville, are in direct opposition.

It is not necessary to recur to the manner in which the territory of the United States was at first settled, in order to decide, whether the Indian nations, the original inhabitants of America, shall have some spot assigned to them, where they may be permitted to live in tranquillity; nor whether their tranquillity can be secured without preventing an uninterrupted system of encroachment upon them under the pretence of purchases.

If the American plenipotentiaries are authorized peremptorily to deny the right of the British government to interfere with the pacification of the Indian

nations, and for that reason refuse all negotiation on the subject, the undersigned are at a loss to understand, upon what principle it was, that at the conference of the 9th ultimo, the American plenipotentiaries invited discussion on the subject, and added, that it was not possible for them to decide without discussion, whether an article could be framed which should be mutually satisfactory, and to which they should think themselves, under their discretionary powers, warranted in acceding.

The undersigned must further observe, that if the American government has not furnished their plenipotentiaries with any instructions since January last, when the general pacification of Europe could not have been immediately in contemplation, this subsequent silence, after an event so calculated (even in the view which the American plenipotentiaries have taken of it, in their note of the 24th ult.) to influence the negotiation, is, to say the least, no proof of a sincere desire to bring it to a favorable conclusion. The British government has entered into the negotiation with an anxious wish to effect an amicable arrangement. After convulsions unexampled in their nature, extent and duration, the civilized world has need of repose. To obtain this in Europe, Great Britain has made considerable sacrifices. To complete the work of general pacification, it is her earnest wish to establish a peace with the United States, and in her endeavors to accomplish this object, to manifest the same principles of moderation and forbearance; but it is utterly inconsistent with her practice and her principles ever to abandon in her negotiations for peace those who have co-operated with her in war.

The undersigned, therefore, repeat that the British government is willing to sign a treaty of peace with the United States on terms honorable to both parties. It has not offered any terms which the United States can justly represent as derogatory to their power, nor

can it be induced to accede to any which are injurious to its own. It is on this ground that the undersigned are authorized distinctly to declare, that they are instructed not to sign a treaty of peace with the plenipotentiaries of the United States, unless the Indian nations are included in it, and restored to all the rights, privileges and territories which they enjoyed in the year 1811, previous to the commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. From this point the British plenipotentiaries cannot depart.

They are further instructed to offer for discussion an article by which the contracting parties shall reciprocally bind themselves, according to boundaries to be agreed upon, not to purchase the lands occupied by the Indians within their respective lines of demarcation. By making this engagement subject to revision at the expiration of a given period, it is hoped that the objection to the establishment of a boundary beyond which the settlements of the United States should be forever excluded, may be effectually obviated.

The undersigned have never stated that the exclusive military possession of the lakes, however conducive they are satisfied it would be to a good understanding between the two countries, without endangering the security of the United States, was to be considered as a sine qua non in the negotiation. Whenever the question relative to the pacification of the Indian nations (which, subject to the explanations already given, is a sine qua non,) shall be adjusted, the undersigned will be authorized to make a final disposition on the subject of Canadian boundaries, so entirely founded on principles of moderation and justice, that they feel confident it cannot be rejected. This proposition will be distinctly stated by the undersigned, upon receiving an assurance from the American plenipotentiaries that they consider themselves au-

thorized to conclude a provisional article on the subject, and upon their previously consenting to include the Indian nations in the treaty, in the manner above described.

The undersigned avail themselves of this opportunity of renewing to the American plenipotentiaries, the assurance of their high consideration.

(Signed) GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

The Ministers Plenipotentiary
and Extraordinary of the United States, &c.

The American to the British commissioners.

Ghent, September 26, 1814.

In replying to the note which the undersigned have had the honor of receiving from his Britannic majesty's plenipotentiaries, dated on the 19th instant, they are happy to concur with them in the sentiment of avoiding unnecessary discussions, especially such as may have a tendency to create irritation. They had hoped that, in the same spirit, the British plenipotentiaries would not have thought allusions again necessary to transactions foreign to this negotiation, relating to the United States, and other independent nations, and not suitable for discussion between the United States and Great Britain. The observation made with respect to Louisiana is the more extraordinary, as the cession of that province to the United States was, at the time, communicated to the British government, who expressed their entire satisfaction with it, and as it has subsequently received the solemn sanction of Spain herself. The undersigned will further say, that whenever the transactions of the United States, in relation to the boundaries of Louisiana and Florida, shall be a proper subject of discussion, they will be found not only susceptible of complete justification, but will demonstrate the moderation and forbearance of the American government, and their undeviating respect for the rights of their neighbors.

The undersigned are far from assuming the exclusive right to decide, what is, or is not, a subject of uncertainty and dispute, with regard to the boundary of the district of Maine. But until the British plenipotentiaries shall have shown in what respect the part of that boundary which would be affected by their proposal, is such a subject, the

undersigned may be permitted to assert that it is not

The treaty of 1783 described the boundary as "a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source, and from its source directly north to the highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence, and thence along the said highlands to the northwesternmost head of Connecticut river."

Doubts having arisen as to the St. Croix designated in the treaty of 1783, a provision was made by that of 1794 for ascertaining it; and it may be fairly inferred, from the limitation of the article to that sole object, that, even in the judgment of Great Britain, no other subject of controversy existed in relation to the extension of the boundary line from the source of that river. That river and its source having been accordingly ascertained, the undersigned are prepared to propose the appointment of commissioners by the two governments, to extend the line to the highlands, conformably to the treaty of 1783. The proposal, however, of the British plenipotentiaries was not to ascertain, but to vary those lines in such manner as to secure a direct communication between Quebec and Halifax; an alteration which could not be effected, without a cession by the United States to Great Britain of all that portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, although unquestionably included within the boundary lines fixed by that treaty. Whether it was contemplated on the part of Great Britain to obtain the cession, with or without an equivalent in frontier or otherwise, the undersigned, in stating that they were not in-

structed or authorized to treat on the subject of cession, have not declined to discuss any matter of uncertainty or dispute which the British plenipotentiaries may point out to exist, respecting the boundaries in that, or in any other quarter, and are, therefore, not liable to the imputation of having rendered their powers on the subject nugatory, or inadmissibly partial in their operation.

The British plenipotentiaries consider the undersigned as having declared, "that the United States will admit of no line of boundary between their territory and that of the Indian nations because the national growth and population of the United States would be thereby arrested" The undersigned, on the contrary, expressly stated in their last note, "that the lands inhabited by the Indians were secured to them by boundaries, defined in amicable treaties between them and the United States:" but they did refuse to assign, in a treaty of peace with Great Britain, a definitive and permanent boundary to the Indians, living within the limits of the United States. On this subject, the undersigned have no hesitation in avowing, that the United States, while intending never to acquire lands from the Indians, otherwise than peaceably, and with their free consent, are fully determined in that manner, progressively, and in proportion as their growing population may require, to reclaim from the state of nature, and to bring into cultivation every portion of the territory contained within their acknowledged boundaries In thus providing for the support of millions of civilized beings, they will not violate any dictate of justice or of humanity, for they will not only give to the few thousand savages, scattered over that territory, an ample equivalent for any right they may surrender, but will always leave them the possession of

lands more than they can cultivate, and more than adequate to their subsistence, comfort, and enjoyment by cultivation.

If this be a spirit of aggrandizement, the undersigned are prepared to admit, in that sense, its existence; but they must deny that it affords the slightest proof of an intention not to respect the boundaries between them and European nations, or of a desire to encroach upon the territories of Great Britain. If, in the progress of their increas ing population, the American people must grow in strength proportioned to their numbers, the undersigned will hope that Great Britain, far from repining at the prospect, will contemplate it with satisfaction. They will not suppose that that government will avow, as the basis of their policy towards the United States, the system of arresting their natural growth within their own territories, for the sake of preserving a perpetual desert for savages. If Great Britain has made sacrifices to give repose to the civilized world in Europe, no sacrifice is required from her by the United States to complete the work of general pacification. This negotiation at least evinces, on their part, no disposition to claim any other right, than that of preserving their independence entire, and of governing their own territories without foreign interference.

Of the two proclamations, purported copies of which the British plenipotentiaries have thought proper to enclose with their last note, the undersigned might content themselves with remarking, that neither of them is the act of the American government. They are enabled however to add, with perfect confidence, that neither of them was authorized or approved by the government The undersigned are not disposed to consider as the

act of the British government, the proclamation of admiral Cochrane, herewith inclosed, exciting a portion of the population of the United States, under the promise of military employment or of free settlement in the West Indies, to treachery and rebellion The undersigned very sincerely regret to be obliged to say, that an irresistible mass of evidence consisting principally of the correspondence of British officers and agents, part only of which has already been published in America, establishes beyond all rational doubt, the fact, that a constant system of excitement to those hostilities was pursued by the British traders and agents, who had access to the Indians, not only without being discountenanced, but with frequent encouragement by the British authorities; and that if they ever dissuaded the Indians from commencing hostilities, it was only by urging them, as in prudence, to suspend their attacks until Great Britain could recognize them as her allies in the war.

When, in the conference of the 9th ultimo, the undersigned invited discussion upon the proposal of Indian pacification and boundary, as well as upon all the subjects presented by the British plenipotentiaries for discussion, they expressly stated their motives to be, 1st. To ascertain by discussion, whether an article on the subject could be formed to which they could subscribe, and which would be satisfactory to the British plenipotentiaries; and 2dly. That if no such article could be formed, the American government might be informed of the views of Great Britain upon that point, and the British government of the objections on the part of the United States, to any such arrangement. The undersigned have, in fact, already proposed no less than three articles on the

subject, all of which they view as better calculated to secure peace and tranquillity to the Indians, than any of the proposals for that purpose, made by the British plenipotentiaries.

The undersigned had repeated their assurances to the British plenipotentiaries, that peace, so far as it depended on the United States, would immediately follow a peace with Great Britain, and added, that the Indians would thereby be reinstated in the same situation in which they stood before the commencement of hostilities. The British plenipotentiaries insist, in their last note, that the Indian nations shall be included in the treaty of peace between Great Britain and the United States, and be restored to all the rights, privileges, and territories which they enjoyed in the year 1811, previous to their commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. Setting aside the subject of boundary, which is presented as for discussion only, there is no apparent difference with respect to the object in view; the pacification and tranquillity of the Indians, and placing them in the same situation in which they stood before the war, all which will be equally obtained in the manner proposed by the undersigned, and the only point of real difference is, the British plenipotentiaries insist that it should be done by including the Indians, as allies of Great Britain, in the treaty of peace between her and the United States.

The United States cannot consent that Indians residing within their boundaries, as acknowledged by Great Britain, shall be included in the treaty of peace, in any manner which will recognize them as independent nations, whom Great Britain, having obtained this recognition, would,

hereafter, have the right to consider, in every respect, as such. Thus to recognize those Indians as independent and sovereign nations, would take from the United States, and transfer to those Indians, all the rights of soil and sovereignty over the territory which they inhabit; and this being accomplished through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States. It is not perceived in what respect such a provision would differ from an absolute cession by the United States of the extensive territory in question.

The British plenipotentiaries have repeated the assertion, that the treaty by which the Indians placed themselves under the protection of the United States, was abrogated by the war; and thence infer, that they are no longer to be considered as under the protection of the United States, whatever may be the import of the term; and that the right of Great Britain to interfere in their behalf in the negotiation of peace, can only be denied on the ground that they are regarded as subjects In point of fact, several of the tribes, parties to the treaty of Greenville, have constantly been, and still are, at peace with the United States. Whether that treaty be or be not abrogated, is a question not necessary to be now discussed The right of the United States to the protection of the Indians within their boundaries, was not acquired by that treaty; it was a necessary consequence of the sovereignty and independence of the United States. Previous to that time the Indians living within the same territory, were under the protection of his Britannic majesty, as its sovereign. The undersigned may refer the British plenipotentiaries to all the acts of their own government, re-

lative to the subject, for proof, that it has always considered this right of protection as one of the rights of sovereignty, which it needed no Indian treaty to confer, and which the abrogation of no Indian treaty could divest. They will particularly bring to their recollection, that when a similar proposition was made of considering Indian tribes as independent nations, to serve as a barrier between the French and English territories, was made by France to England, it was immediately rejected, by a minister to whom the British nation is accustomed to look back with veneration, and rejected on the express ground, that the king would not renounce his right of protection over the Indians within his dominions. But whatever the relation of the Indians to the United States may be, and whether under their protection or not, Great Britain having by the treaty of 1783, recognized the sovereignty of the United States, and agreed to certain limits as their boundaries, has no right to consider any persons, or communities, whether Indians or others, residing within those boundaries, as nations independent of the United States.

The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, the entire sovereignty over the whole territory, and all the persons embraced within the boundaries of their dominions. Great Britain has no right to take cognizance of the relations subsisting between the several communities or persons living therein. They form as to her, only parts of the dominions of the United States, and it is altogether immaterial, whether, or how far, under their political institutions and policy, these communities or persons are independent states, allies, or subjects With respect to her and all other foreign nations, they are parts

of a whole, of which the United States are the sole and absolute sovereigns.

The allegation of the British plenipotentiaries, that it is inconsistent with the practice or principles of Great Britain to abandon, in her negotiations for peace, those who have co-operated with her in war, is not applicable to the Indians, but on the erroneous assumption of their independence, which, so far as she is concerned, has been fully disposed. And although no power from these tribes to the British government, to treat in their behalf, would, for the same reason be admitted by the undersigned, they may nevertheless observe, that the British plenipotentiaries having produced no such powers, having no authority to bind the Indians, to engage for their assent to the pacification, or to secure the continuance of peace on their part whilst speaking of them as allies, do really propose to treat for them, not as if they were independent nations, but as if they were the subjects of Great Britain.

The undersigned so far from asking that, in relation to the Indians, Great Britain should pursue a course inconsistent with her former practice and principles, only desire that she would follow her own example respecting them, in her former treaties with other European nations, and with the United States No provision for the Indians is found in the treaty of 1763, by which France ceded Canada to Great Britain, although almost all the Indians living within the territory ceded, or acknowledged to belong to Great Britain, had taken part with France in the war. No such provision was inserted in the treaty of peace of 1783, between Great Britain and the United States, although almost all the Indian tribes living within the territory recognized by the treaty to belong to

the United States, had, during the war, co operated with Great Britain, and might have been considered as her allies more justly than on the present occasion So far as concerns the relations between Great Britain and the United States, these Indians can be treated for only on the principles by which amnesties are stipulated in favor of disaffected persons, who, in times of war and invasion, co-operate with the enemy of the nation to which they belong To go as far as possible in securing the benefit of the peace to the Indians, now the only object professed by the British government in their present *sine qua non*, the undersigned offer a stipulation in general terms, that no person or persons, whether subjects, citizens, or Indians, residing within the dominions of either party, shall be molested or annoyed, either in their persons or their property, for any part they may have taken in the war between the United States and Great Britain; but shall retain all the rights, privileges, and possessions, which they respectively had at the commencement of the war; they, on their part, demeaning themselves peaceably, and conformably to their duties to the respective governments This the undersigned have no doubt will effectually secure to the Indians peace, if they themselves will observe it, and they will not suppose that Great Britain would wish them included in the peace, but upon that condition.

The undersigned have never intimated that their government had not furnished them with any instructions since January last. On the contrary, they distinctly told the British plenipotentiaries in conference, though it appears to have escaped their recollection, that instructions had been received by the undersigned, dated at the close of the month of June. The undersigned will now

add, that those instructions were drawn with a full knowledge of the general pacification in Europe, and with so liberal a consideration of its necessary bearing upon all the differences that had been until then subsisting between Great Britain and the United States, that the undersigned cannot doubt that peace would long since have been concluded, had not an insuperable bar against it been raised by the new and unprecedented demands of the British government.

With respect to the proposition which the British plenipotentiaries inform them they will be prepared to make, in relation to the Canadian boundaries, which appears to them so entirely founded on principles of moderation and justice, but the nature of which, they think proper at present to withhold, the undersigned can only pledge themselves to meet any proposition from the British plenipotentiaries, characterized by moderation and justice, not only with a perfect reciprocity of those sentiments, but with a sincere and earnest desire to contribute to the restoration of peace, by every compliance with the wishes of Great Britain, compatible with their duty to their country.

The undersigned have the honor of tendering to the British plenipotentiaries, the renewed assurance of their high consideration.

(Signed) JOHN QUINCY ADAMS,
J. A. BAYARD,
HENRY CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

The British to the American commissioners.

Ghent, October 8, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the plenipotentiaries of the United States, dated on the 26th ult.

As the continuance of the negotiation exclusively depends upon the question relating to the pacification and rights of the Indian nations, the undersigned are unwilling to extend their observations to the other subjects brought forward in the note of the American plenipotentiaries, further than may be required for necessary explanation.

In adverting for this purpose to the acquisition of Louisiana, the undersigned must observe, that the instrument by which the consent of his catholic majesty is alleged to have been given to the cession of it, has never been made public. His catholic majesty was no party to the treaty by which the cession was made, and if any sanction has been subsequently obtained from him, it must have been, like other cotemporaneous acts of that monarch, involuntary, and as such cannot alter the character of the transaction. The marquis of Yrujo, the minister of his catholic majesty at Washington, in a letter addressed to the president of the United States, formally protested against the cession, and the right of France to make it. Yet in the face of this protestation, so strongly evincing the decided opinion of Spain as to the illegality of the proceeding, the president of the United States ratified the treaty. Can it be contended that the annexation of Louisiana, under such circumstances, did not mark a spirit of territorial aggrandizement?

His Britannic majesty did certainly express satisfaction when the American government communicated the event, that Louisiana, a valuable colony in the possession of France, with whom the war had just been renewed, instead of remaining in the hands of his enemy, had been ceded to the United States, at that time professing the most friendly disposition towards Great Britain, and

an intention of providing for her interest in the acquisition. But the conditions under which France had acquired Louisiana from Spain, were not communicated; the refusal of Spain to consent to its alienation was not known; the protest of her ambassador had not been made; and many other circumstances attending the transaction, on which it is now unnecessary to dilate, were, as there is good reason to believe, industriously concealed.

The proof of a spirit of aggrandizement, which the undersigned had deduced from the hostile seizure of a great part of the Floridas, under the most frivolous pretences, remains unrefuted; and the undersigned are convinced that the occasion and circumstances under which that unwarrantable act of aggression took place, have given rise throughout Europe to but one sentiment as to the character of the transaction.

After the previous communication which the undersigned have had the honor of receiving from the American plenipotentiaries, they could not but feel much surprise at the information contained in their last note of their having received instructions dated subsequently to January, 1814. The undersigned have no recollection whatever of the American plenipotentiaries having communicated to them, either collectively or individually, at a conference or otherwise, the receipt of instructions from the government of the United States, dated at the close of the month of June, and they must remind the American plenipotentiaries that their note of the 9th ult. distinctly stated that the instructions of January, 1814, were those under which they were acting. If, therefore, the American plenipotentiaries received instructions drawn up at the close of the month of June, with a liberal consideration of the late events in Europe, the

undersigned have a right to complain that while the American government justly considered those events as having a necessary bearing on the existing differences between the two countries, the American plenipotentiaries should, nevertheless, have preferred acting under instructions which, from their date, must have been framed without the contemplation of such events.

The British government never required that all that portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, there being much doubt whether it does not already belong to Great Britain.

The undersigned are at a loss to understand how vice admiral Cochrane's proclamation illustrates any topic connected with the present negotiation, or bears upon the conclusion which they contended was to be drawn from the two proclamations of the American generals. These proclamations distinctly avowing the intention of the American government permanently to annex the Canadas to the United States, were adduced not as matter of complaint, but simply for the purpose of proving what had been denied as a fact, viz. that such had been the declared intention of the American government.

The undersigned observe that although the American plenipotentiaries have taken upon themselves generally to deny that the proclamations were authorized or approved by their government, without stating in what mode that disapprobation was expressed, yet they avoid stating that the part of those proclamations containing the declaration in question had not been so authorized or approv-

ed. It is indeed impossible to imagine that if the American government had intimated any disapprobation of that part of general Hull's proclamation, the same declaration would have been as confidently repeated four months after by general Smyth.

His majesty's government have other and ample means of knowing that the conquest of the Canadas, and their annexation to the United States, was the object and policy of the American government. For the present the undersigned will content themselves with referring to the remonstrance of the legislature of Massachusetts in June, 1813, in which this intention is announced as matter of notoriety.

The undersigned deny that the American government had proved, or can prove, that previous to the declaration of war by the United States, persons authorized by the British government, endeavored to excite the Indian nations against the United States, or that endeavors of that kind, if made by private persons, (which the undersigned have no reason to believe,) ever received the countenance of his majesty's government.

The American plenipotentiaries have not denied that the Indian nations had been engaged in war with the United States, before the war with Great Britain had commenced, and they have reluctantly confessed that so far from his majesty having induced the Indian nations to begin the war, as charged against Great Britain in the notes of the 24th August and 9th ult. the British government actually exerted their endeavors to dissuade the Indian nations from commencing it.

As to the unworthy motive assigned by the American plenipotentiaries to this interference so amicably made on the part of Great Britain, its ut-

ter improbability is sufficiently apparent from considering by which party the war was declared. The undersigned, therefore, can only consider it as an additional indication of that hostile disposition which has led to the present unhappy war between the two countries. So long as that disposition continues, it cannot but render any effort on the part of Great Britain to terminate this contest utterly unavailing.

The American plenipotentiaries appear unprepared to state the precise ground upon which they resist the right of his majesty to negotiate with the United States on behalf of the Indian nations, whose co operation in the war his majesty has found it expedient to accept.

The treaty of Greenville, to the words, stipulations, and spirit of which the undersigned have so frequently appealed, and all the treaties previously and subsequently made, between the United States and the Indian nations, show, beyond the possibility of doubt, that the United States have been in the habit of treating with these tribes as independent nations, capable of maintaining the relations of peace and war, and exercising territorial rights.

If this be so, it will be difficult to point out the peculiar circumstances in the condition of these nations, which should either exclude them from a treaty of general pacification, or prevent Great Britain, with whom they have co-operated as allies in the war, from proposing stipulations in their behalf at the peace. Unless the American plenipotentiaries are prepared to maintain what they have in effect advanced, that although the Indian nations may be independent in their relations with the United States, yet the circumstance of living within the boundary of the United States disables them from forming such conditions of al-

liance with a foreign power, as shall entitle that power to negotiate for them in a treaty of peace.

The principle upon which this proposition is founded, was advanced, but successfully resisted, so far back as the treaty of Munster. An attempt was then made to preclude France from negotiating in behalf of certain states and cities in Germany, who had co operated with her in the war, because, although those states and cities might be considered as independent for certain purposes, yet being within the boundary of the German empire, they ought not to be allowed to become parties in the general pacification with the emperor of Germany, nor ought France to be permitted in that negotiation to mix their rights and interests with her own.

The American plenipotentiaries probably aware that the notion of such a qualified independence, for certain purposes, and not for others, could not be maintained, either by argument or precedent, have been compelled to advance the novel and alarming pretension, that all the Indian nations living within the boundary of the United States, must, in effect, be considered as their subjects, and, consequently, if engaged in war against the United States, become liable to be treated as rebels, or disaffected persons. They have further stated, that all the territory which these Indian nations occupy, is at the disposal of the United States; that the United States have a right to dispossess them of it; to exercise that right, whenever their policy or interests may seem to them to require it; and to confine them to such spots as may be selected, not by the Indian nations, but by the American government. Pretensions such as these Great Britain can never recognize: however reluctant his royal highness the prince regent may be to con-

tinue the war, that evil must be preferred, if peace can only be obtained on such conditions

To support those pretensions, and at the same time to show, that the present conduct of Great Britain is inconsistent with her former practice and principles, the American plenipotentiaries have referred to the treaty of peace of 1783, to that of 1763, and to the negociations of 1761, during the administration of a minister, whom the American plenipotentiaries have stated, and truly stated, to be high in the estimation of his country.

The omission to provide in the treaty of 1783, for the pacification of the Indian nations, which were to be included within the proposed boundary of the United States, cannot preclude Great Britain from now negotiating in behalf of such tribes or nations, unless it be assumed, that the occasional non-exercise of a right, is an abandonment of it. Nor can the right of protection, which the American plenipotentiaries have failed in showing to have been ever claimed by Great Britain as incident to sovereignty, have been transferred by Great Britain to the United States, by a treaty, to which the Indian nations were not parties.

In the peace of 1763, it was not necessary for Great Britain to treat for the pacification of the Indian nations, and the maintenance of their rights and privileges, because there had been no Indian nations living without the British boundaries, who had co operated with Great Britain, in the war against France.

With respect to the negotiations of 1761, between Great Britain and France, on which the American plenipotentiaries more particularly rely, they appear, in the judgment of the undersigned, to have much misunderstood the whole course of that negotiation.

It is very true that the French government brought forward, at one period of the negotiation, a proposition, by which a certain territory, lying between the dominions of the two contracting parties, was to have been allotted to the Indian nations. But it does not appear that this formed a part of their ultimatum, and it is clear, that Mr. Pitt, in his answer, did not object to the proposition. He objected, indeed, to the proposed line of demarcation between the countries belonging to the two contracting parties, upon two grounds: first; that the proposed northern line would have given to France, what the French themselves had acknowledged to be part of Canada, the whole of which, as enjoyed by his most christian majesty, it had been stipulated, was to be ceded entirely to Great Britain: secondly; that the southern part of the proposed line of demarcation would have included within the boundary of Louisiana, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and another nation, who occupied territories which had never been included within the boundaries of that settlement. So far was Mr. Pitt from rejecting, as alleged by the American plenipotentiaries, the proposition of considering Indian nations as a barrier, that at one period of the negotiation he complained that there was no provision for such a barrier; and he thus energetically urges his objections, in his letter to Mr. Stanley, the British plenipotentiary at Paris, dated on the 26th June, 1761: "As to the fixation of new limits to Canada towards the Ohio, it is captious and insidious, thrown out in hope, if agreed to, to shorten thereby the extent of Canada, and to lengthen the boundaries of Louisiana, and in the view to establish, what must not be admitted, namely, that all which is not Canada, is Louisiana, where-

by all the intermediate nations and countries, the true barrier to each province, would be given up to France."

The undersigned confidently expect, that the American plenipotentiaries will not again reproach the British government with acting inconsistently with its former practice and principles, or repeat the assertion made in a former note, that a definition of Indian boundary, with a view to a neutral barrier, was a new and unprecedented demand by any European power, and most of all by Great Britain; the very instance selected by the American plenipotentiaries, undeniably proves that such a proposition had been entertained both by Great Britain and France, and that Mr. Pitt, on the part of Great Britain, had more particularly enforced it.

It remains only to notice two objections which the American plenipotentiaries have urged against the proposal of Indian pacification, advanced by the undersigned: first; that it is not reciprocal: secondly; that as the United States could have no security that the Indian nations would conclude a peace on the terms proposed, the objection would be in effect unilateral.

The article now proposed by the undersigned, and herewith enclosed, is free from both objections, and appears to them so characterized by a spirit of moderation and peace, that they earnestly anticipate the concurrence of the American plenipotentiaries.

In making a last effort in this stage of the war, the undersigned are not apprehensive that the motiveswhich have influenced his royal highness the prince regent to direct a renewal of the proposition, with its present modifications, can be misunderstood or misrepresented.

Whatever may be the result of the proposition thus offered, the undersigned deliver it as their ultimatum, and now await with anxiety the answer of the American plenipotentiaries, on which their continuance in this place will depend.

The undersigned avail themselves of this opportunity of renewing to the American plenipotentiaries, the assurance of their high consideration.

(Signed) GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

To the ministers plenipotentiary
and extraordinary, &c, &c. &c.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

And his Britannic majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war, at the time of such ratification, and forthwith

to restore to such tribes or nations respectively, all the possessions, rights, and privileges which they may have enjoyed or been entitled to in 1811, previous to such hostilities: provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

The American to the British commissioners.

Ghent, Oct. 13, 1811.

The undersigned have the honor to acknowledge the receipt of the note of the plenipotentiaries of his Britannic majesty, dated on the 8th instant.

Satisfied of the impossibility of persuading the world that the government of the United States was liable to any well grounded imputation of a spirit of conquest, or of injustice towards other nations, the undersigned, in affording explanations on several of the topics adverted to by the British plenipotentiaries during this negotiation, were actuated by the sole motive of removing erroneous impressions.

Still influenced by the same motive, they will now add, that, at the time when the Spanish minister was remonstrating at Washington against the transfer of Louisiana, orders were given by his government for its delivery to France; that it was, in fact, delivered a short time after that remonstrance; and that if the treaty by which the United States acquired it had not been ratified, it would have become, of course, a French colony.

The undersigned believe that the evidence of the assent of Spain to that transfer has been promulgated. They neither admit the alleged disability of the Spanish monarch, nor the inference which the British plenipotentiaries would seem to deduce from it; on the contrary, the assent was voluntarily given in the year 1804, by the same king who, about the same time, ceded Trinidad to Great Britain, and prior to the time when he was again engaged in war with her. The cession by France was immediately communicated to Great Britain, no circumstance affecting it, and then within the knowledge of the United States, being intentionally concealed from her. She expressed her satisfaction with it; and if in any possible state of the case she would have had a right to question the transaction, it does not appear to the undersigned that she is now authorized to do so.

After stating generally, that the proclamations of generals Hull and Smyth were neither authorized nor approved by their government, the undersigned could not have expected that the British plenipotentiaries would suppose that their statement did not embrace the only part of the proclamations which was a subject of consideration.

The undersigned had, indeed, hoped, that, by stating in their note of the 9th ultimo, that the government of the United States, from the commencement of the war, had been disposed to make peace without obtaining any cession of territory, and by referring to their knowledge of that disposition, and to instructions accordingly given from July, 1812, to January, 1814, they would effectually remove the impression that the annexation of Canada to the United States was the declared object of their government. Not only have the undersigned been disappointed in this expectation,

but the only inference which the British plenipotentiaries have thought proper to draw from this explicit statement, has been, that either the American government, by not giving instructions subsequent to the pacification of Europe, or the undersigned, by not acting under such instructions, gave no proof of a sincere desire to bring the present negotiations to a favorable conclusion. The undersigned did not allude, in reference to the alleged intention to annex Canada to the United States, to any instructions given by their government subsequently to January last, because, asking at this time for no accession of territory, it was only of its previous disposition that it appeared necessary to produce any proof. So erroneous was the inference drawn by the British plenipotentiaries, in both respects, that it was in virtue of the instructions of June last, that the undersigned were enabled, in their note of the 24th of August, to state, that the causes of the war between the United States and Great Britain, having disappeared, by the maritime pacification of Europe, they had been authorized to agree to its termination upon a mutual restoration of territory, and without making the conclusion of peace to depend on a successful arrangement of those points on which differences had existed.

Considering the present state of the negotiation, the undersigned will abstain, at this time, from adducing any evidence or remarks upon the influence which has been exerted over the Indian tribes inhabiting the territories of the United States, and the nature of those excitements which have been employed by British traders and agents.

The arguments and facts already brought forward by the undersigned, respecting the political

condition of those tribes, render it unnecessary for them to make many observations on those of the British plenipotentiaries on that subject. The treaties of 1763 and 1783, were those principally alluded to by the undersigned, to illustrate the practice of Great Britain. She did not admit in the first, nor require in the last, any stipulations respecting the Indians who, in one case, had been her enemies, and, in the other, her allies ,and who, in both instances, fell by the peace within the dominions of that power against whom they had been engaged in the preceding war.

The negotiation of 1761 was quoted for the purpose of proving, what appears to be fully established by the answer of England to the ultimatum of France, delivered on the 1st of September, of that year, that his Britannic majesty would not renounce his right of protection over the Indian nations reputed to be within his dominions, that is to say, between the British settlements and the Mississippi. Mr Pitt's letter, cited by the British plenipotentiaries, far from contradicting that position, goes still further. It states that "the fixation of the new limits to Canada, as proposed by France, is intended to shorten the extent of Canada, which was to be ceded to England, and to lengthen the boundaries of Louisiana, which France was to keep, and in the view to establish what must be not admitted, namely, that all which is not Canada is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France." This is precisely the principle uniformly supported by the undersigned, to wit: that the recognition of a boundary gives up to the nation, in whose behalf it is made, all the Indian tribes and countries

within that boundary. It was on this principle that the undersigned have confidently relied on the treaty of 1783, which fixes and recognizes the boundary of the United States, without making any reservation respecting Indian tribes.

But the British plenipotentiaries, unable to produce a solitary precedent of one European power treating for the savages inhabiting within the dominions of another, have been compelled, in support of their principle, to refer to the German empire, a body consisting of several independent states, recognized as such by the whole world, and separately maintaining with foreign powers the relations belonging to such a condition. Can it be necessary to prove that there is no sort of analogy between the political situation of these civilized communities, and that of the wandering tribes of North American savages?

In referring to what the British plenipotentiaries represent as alarming and novel pretentions, what Great Britain can never recognize, the undersigned might complain that these alleged pretensions have not been stated, either in terms or in substance, as expressed by themselves. This, however, is the less material, as any further recognition of them by Great Britain is not necessary nor required. On the other hand, they can never admit nor recognize the principles or pretensions asserted in the course of this correspondence by the British plenipotentiaries, and which, to them, appears novel and alarming.

The article proposed by the British plenipotentiares, in their last note, not including the Indian tribes as parties in the peace, and leaving the United States free to effect its object in the mode consonant with the relations which they have con-

stantly maintained with those tribes, partaking also of the nature of an amnesty, and being at the same time reciprocal, is not liable to that objection; and accords with the views uniformly professed by the undersigned, of placing these tribes precisely, and in every respect, in the same situation as that in which they stood before the commencement of hostilities This article, thus proposing only what the undersigned have so often assured the British plenipotentiaries would necessarily follow, if indeed it has not already, as is highly probable, preceded a peace between Great Britain and the United States. The undersigned agree to admit it, in substance, as a provisional article, subject, in the manner originally proposed by the British government, to the approbation or rejection of the government of the United States, which, having given no instructions to the undersigned on this point, cannot be bound by any article they may admit on the subject

It will, of course, be understood, that if, unhappily, peace should not be the result of the present negotiation, the article thus conditionally agreed to shall be of no effect, and shall not, in any future negotiation, be brought forward by either party, by way of argument or precedent.

This article having been presented as an indispensable preliminary, and being now accepted, the undersigned request the British plenipotentiaries to communicate to them the project of a treaty, embracing all the points deemed material by Great Britain; the undersigned engaging on their part to deliver, immediately after, a counter project with respect to all the articles to which they may not agree, and on the subjects deemed material by the

United States, and which may be omitted in the British project.

(Signed) J. QUINCY ADAMS.
JAS A. BAYARD,
HENRY CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

The British to the American commissioners.

Ghent, October 21, 1814.

The undersigned have had the honor of receiving the note of the American plenipotentiaries of the 13th instant, communicating their acceptance of the article which the undersigned had proposed on the subject of the pacification and rights of the Indian nations.

The undersigned are happy in being thus relieved from the necessity of recurring to several topics which, though they arose in the course of their discussions, have only an incidental connexion with the differences remaining to be adjusted between the two countries.

With a view to this adjustment, the undersigned, preferring, in the present state of the negotiation, a general statement, to the formal arrangement of articles, are willing so far to comply with the request of the American plenipotentiaries, contained in their last note, as to wave the advantage to which they think they were fairly entitled, of requiring from them the first project of a treaty.

The undersigned having stated, at the first conference, the points upon which his majesty's government considered the discussions between the two countries as likely to turn, cannot better satisfy the request of the American plenipotentiaries,

than by referring them to that conference for a statement of the points which, in the opinion of his majesty's government, yet remain to be adjusted.

With respect to the forcible seizure of mariners from on board merchant vessels, on the high seas, and the right of the king of Great Britain to the allegiance of all his native subjects, and with respect to the maritime rights of the British empire, the undersigned conceive, that after the pretensions asserted by the government of the United States, a more satisfactory proof of the conciliatory spirit of his majesty's government cannot be given, than by not requiring any stipulation on those subjects, which, though most important in themselves, no longer, in consequence of the maritime pacification of Europe, produce the same practical results.

On the subject of the fisheries, the undersigned expressed with so much frankness, at the conference already referred to, the views of their government, that they consider any further observations on that topic as unnecessary at the present time.

On the question of the boundary between the dominions of his majesty, and those of the United States, the undersigned are led to expect, from the discussion which this subject has already undergone, that the northwestern boundary, from the lake of the Woods to the Mississippi, (the intended arrangement of 1803,) will be admitted without objection.

In regard to other boundaries, the American plenipotentiaries, in their note of August 24, appeared in some measure to object to the propositions then made by the undersigned, as not being on the basis of *uti possidetis*. The undersigned are willing to treat on that basis, subject to such mo-

difications as mutual convenience may be found to require; and they trust that the American plenipotentiaries will show, by their ready acceptance of this basis, that they duly appreciate the moderation of his majesty's government, in so far consulting the honor and fair pretensions of the United States, as, in the relative situation of the two countries, to authorize such a proposition.

The undersigned avail themselves of this opportunity, to renew to the American plenipotentiaries the assurance of their high consideration.

(Signed) GAMBIER,
HENRY GOULBOURN,
WILLIAM ADAMS.

The American to the British commissioners.

Ghent, October 24, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the British plenipotentiaries of the 21st instant.

Amongst the general observations which the undersigned, in their note of August 24th, made on the propositions then brought forward on the part of the British government, they remarked that those propositions were founded neither on the basis of *uti possidetis*, nor on that of *status ante bellum*. But so far were they from suggesting the *uti possidetis* as the basis on which they were disposed to treat, that in the same note they expressly stated, that they had been instructed to conclude a peace, on the principle of both parties restoring whatever territory they might have taken. The undersigned also declared in that note, that they had no authority to cede any part of the territory of the United States, and that to

no stipulation to that effect would they subscribe: and in the note of the 9th September, after having shown that the basis of *uti possidetis*, such as it was known to exist at the commencement of the negotiation, gave no claim to his Britannic majesty to cessions of territory, founded upon the right of conquest, they added, that even if the chances of war should give to the British arms a momentary possession of other parts of the territory of the United States, such events would not alter their views, with regard to the terms of peace to which they would give their consent.

The undersigned can now only repeat those declarations, and decline treating upon the basis of *uti possidetis*, or upon any other principle involving a cession of any part of the territory of the United States, as they have uniformly stated, they can treat only upon the principle of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede, and the undersigned, after the repeated declarations of the British plenipotentiaries, that Great Britain had no view to the acquisition of territory in this negotiation, deem it necessary to add, that the utility of its continuance depends on their adherence to this principle.

The undersigned having declared, in their note of the 24th August, that although instructed and prepared to enter into an amicable discussion of all the points on which differences or uncertainty had existed, and which might hereafter tend to interrupt the harmony of the two countries, they would not make the conclusion of the peace at all depend upon a successful result of the discussion, and having since agreed to the preliminary article proposed by the British government, had believed that the negotiation, already so long protracted, could not be brought to an early conclusion otherwise than by the commu-

nication of a project, embracing all the other specific propositions which Great Britain intended to offer. They repeat their request in that respect, and will have no objection to a simultaneous exchange of the projects of both parties. This course will bring fairly into discussion the other topics embraced in the last note of the British plenipotentiaries, to which the undersigned have thought it unnecessary to advert at the present time.

The undersigned renew to the British plenipotentiaries the assurance of their high consideration.

(Signed) JOHN QUINCY ADAMS,
JAS. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
A. GALLATIN.

To the plenipotentiaries of
his Britannic majesty, &c. &c. Ghent.

The American commissioners to the secretary of state.

Ghent, October 31, 1814.

SIR,

The detention of the Chauncey at Ostend, enables us to send you the enclosed note from the British plenipotentiaries, which we have just received.

We have the honor to be,
With perfect respect,
Your obt. servts.

(Signed) JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

To the honorable James Monroe, secretary of state.

The British to the American ministers.

Ghent, October 31, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 24th instant, in which they object to the basis of *uti possidetis* proposed by the undersigned, as that on which they were willing to treat in regard to part of the boundaries between the dominions of his majesty and those of the United States.

The American plenipotentiaries, in their note of the 13th inst. requested the undersigned to communicate to them the project of a treaty embracing all the points insisted on by Great Britain, engaging, on their part, to deliver, immediately after, a contre project, as to all the articles to which they might not agree, and as to all the subjects deemed material by the United States, and omitted in the project of the undersigned.

The undersigned were accordingly instructed to wave the question of etiquette, and the advantage that might result from receiving the first communication, and, confiding in the engagement of the American plenipotentiaries, communicated, in their note of the 21st instant, all the points upon which they were instructed to insist.

The American plenipotentiaries have objected to one essential part of the project thus communicated; but before the undersigned can enter into the discussion of this objection, they must require from the American plenipotentiaries, that, pursuant to their engagement, they will deliver a contre project, containing all their objections to the points submitted by the undersigned, together with a statement of such further points as the government of the United States consider to be material.

The undersigned are authorized to state, distinct-

ly, that the article as to the pacification and rights of the Indian nations having been accepted, they have brought forward, in their note of the 21st instant, all the propositions which they have to offer. They have no further demands to make; no other stipulations on which they are instructed to insist; and they are empowered to sign a treaty of peace forthwith, in conformity with those stated in their former note.

The undersigned trust, therefore, that the American plenipotentiaries will no longer hesitate to bring forward, in the form of articles, or otherwise, as they may prefer, those specific propositions upon which they are empowered to sign a treaty of peace between the two countries.

The undersigned avail themselves of the present opportunity to renew to the plenipotentiaries of the United States the assurance of their high consideration.

(Signed) GAMBIER,
HENRY GOULBOURN.
WILLIAM ADAMS.